

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**March 20, 2019**

STATE OF NEVADA            )  
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COUNTY OF EUREKA        )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on March 20, 2019. Present were Chairman J.J. Goicoechea; Vice Chair Michael Sharkozy; Commissioner Rich McKay; District Attorney Ted Beutel; and Commissioner Clerk, Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conferencing system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

**APPROVAL OF AGENDA**

Commissioner McKay motioned to approve the agenda as posted; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**PUBLIC COMMENT**

Chairman Goicoechea opened the floor for public comments.

There were no comments from Crescent Valley, but the room was filled with Diamond Valley residents who are stakeholders in the Diamond Valley Groundwater Management Plan (GMP) recently approved by State Engineer Order No. 1302. Three appeals and petitions for judicial review have been filed in Seventh Judicial District Court challenging the State Engineer's decision to approve the GMP.

Jim Gallagher, representing Gallagher Farms, J&T Farms, and the Eureka Producers Co-op, was the first to speak and requested that Eureka County join the litigation in support of the State Engineer and the GMP. Mr. Gallagher stated that owners of over 285 of the 490 water permits and certificates issued in Diamond Valley signed the petition for State Engineer approval of the GMP. He commented that of the 490 permits/certificates, 53 belong to General Moly, 37 belong to Eureka County, and 20 are for stockwater, and he felt these parties did not sign because they won't be impacted as seriously. Mr. Gallagher stated that if the GMP is delayed and curtailment is implemented, only 50 of the 200 quarter sections in production will have water, and the County's "tax base along with our excellent farming community will be history."

Russell Conley requested that Eureka County intervene in the legal fight to uphold State Engineer Order No. 1302. Mr. Conley then read a letter that he sent to the Board earlier in the week, asking that it be included in the record.

Dear Commissioners,

I am writing you today to ask for your support in our legal fight to uphold the State Engineer's order 1302, which grants the petition for adoption of the Diamond Valley Groundwater Management Plan (GMP). The GMP was developed over a period of years by local groundwater users and the facilitation of Mr. Jake Tibbitts. The process was painstaking and most irrigators agreed to difficult pumping reductions in order to bring the basin back into balance with perennial recharge.

As you know, for decades the groundwater pumping in Diamond Valley has exceeded the perennial recharge. The State Engineer and most irrigators in the area have long ago realized that reductions in groundwater pumping must occur in order to bring the basin back into balance. In 2015 Diamond Valley was designated as a Critical Management Area by the State Engineer. This designation gives local users 10 years to craft a groundwater management plan that is approved by at least 51% of the holders of groundwater permits and will bring the basin back into balance. If a plan is not approved

within the 10 year timeline, the State Engineer must regulate by priority and curtail all junior rights necessary to balance the basin. While both actions bring the basin back into balance, sudden curtailment would deliver a tough economic blow to Eureka County.

When we purchased our farm in 2007, we knew the basin was over appropriated, but we didn't really know if our water rights were junior or senior. All we knew was that our water rights were in good standing with the State Engineer's Office and have been active since 1961. Even though they have been active for the last 58 years, they are still considered to be junior and would be amongst those curtailed if the State Engineer is forced to curtail strictly based on priority. My family has worked very hard to make our operation successful. If State Engineer's order 1302 is not upheld and strict curtailment by priority is executed, we will no longer be able to make a living on our operation. Even if we avoid bankruptcy, we will have very little to show for our many years of hard work. My family, like others in the community, would be forced to relocate and pursue a different livelihood.

Our local climate and soils enable us to produce very high quality hay and forage, and irrigators have a good chance to make a decent living on relatively small farms. We all know about the boom and bust cycles of mining and the economic impacts it has on those communities associated with it. Our historic mining town has benefitted from the irrigation that has taken place in Diamond Valley, and has enjoyed the stability it has brought to the local economy.

As you know, others are challenging the State Engineer Order 1302 both by appealing the order and petitioning for a judicial review. Although the State will be defending their order, I believe that additional support is necessary. The Diamond Natural Resources Protection and Conservation Association (DNRPCA), a group of local farmers in the area, will be filing as an intervener in the law suit. We, along with many others in the area, have contributed substantially to the legal fund. On your March 20 meeting I encourage you to vote for Eureka County to also file as an intervener in the law suit.

Sincerely  
Russell Conley

Billy Norton began by thanking Eureka County for allowing Jake Tibbitts to participate in development of the GMP by facilitating the meetings, noting that Mr. Tibbitts' skills helped the participants move forward with the plan. Mr. Norton commented that the GMP gives producers the opportunity to manage their farms while gradually reducing water usage over the next 35 years; this also provides local government the ability to adjust to less tax revenues as the years progress. Mr. Norton stated it would be devastating to the community if the GMP is overturned and curtailment is implemented, and he urged the Board to support the GMP.

Denise Moyle commented that the GMP is not perfect, but it is the best plan that could be developed under the circumstances and should be given the chance to work. She said the State Engineer tasked the water rights holders with solving a problem that was inherited by most of them, along with a lifestyle and livelihood they hope to pass along to future generations. Ms. Moyle stated that everyone was invited to participate in development of the plan, and those who did participate put a lot of hard work and effort into it. She asked the Board to support the GMP, which she believes is the best solution for the challenges in southern Eureka County.

Donald "Chug" Palmore stated he came to Diamond Valley over 60 years ago and has watched a lot of people do a lot of work. He said that many of the people with junior permits have done a lot to improve Diamond Valley, and they have worked as hard and have been around as long as many of the senior water rights holders. Mr. Palmore observed that eventually the mines will stop producing and the County will need the tax base of the agricultural industry in Diamond Valley. He said that if people are forced out of production they will lose everything, because for many in farming, "this is their 401K, this is their retirement." Mr. Palmore declared that he wants to see the valley prosper and, as a senior water rights holder, he is willing to give up a little to see that happen. He believes the GMP will work.

Vickie Buchanan commented that she is a senior water rights holder in Diamond Valley and she is in favor of the GMP, which the group worked very hard to develop. She said nobody in the valley has an “illegal” water right. All rights are valid and the producers are not pumping more than permitted. She supports prior appropriation, but feels the time to curtail was back in the 1970s. Ms. Buchanan said it was the State Engineer’s office in years past that allowed over-appropriation to occur. She believes the conservation measures in the GMP are the best hope for Diamond Valley and asked the Board to support the plan.

After a final call for public comments, Chairman Goicoechea announced that, as State Veterinarian, he was monitoring some public health situations in the State and may need to leave before the meeting is concluded.

### **APPROVAL OF MINUTES**

February 20 & March 6, 2019: Commissioner McKay motioned to approve minutes of the February 20, 2019, and March 6, 2019, meetings. Chairman Goicoechea seconded the motion. Motion carried 3-0 and 2-0 respectively, with Commissioner Sharkozy abstaining on the March 6<sup>th</sup> minutes as he was absent from that meeting.

### **COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by Assistant Comptroller, Kim Todd. Ms. Todd clarified that expenditures included an invoice that exceeded the six month limit. Commissioner Sharkozy motioned to authorize payment of \$144.48 to Quill for an invoice that was due in August 2018. Commissioner McKay seconded the motion. Motion carried 3-0.

Commissioner Sharkozy motioned to approve expenditures in the amount of \$519,666.51 for accounts payable, \$187,590.88 for payroll and retiree related expenses, \$2,060.00 for a pass-through to the Nevada Division of Minerals, and \$1,234.95 for Yucca Mountain expenses, for a grand total of \$710,552.34. Commissioner McKay seconded the motion. Motion carried 3-0.

Fund Balance Report: The Board reviewed the current Fund Balance Report provided by the Comptroller’s office.

User Agreement for Background Checks: Ms. Todd explained that Eureka County requires new employees to be fingerprinted for a criminal background check. Eureka County must sign an agreement with the Department of Public Safety to become an authorized recipient of the criminal history record information. This is a no-cost agreement. The Department will be in Eureka on March 25<sup>th</sup> to conduct a compliance check to ensure that all background records are being kept in a safe and secure location.

Commissioner Sharkozy motioned to approve a Civil Fingerprint Based Background Check User Agreement between Department of Public Safety and Eureka County Human Resources; Commissioner McKay seconded the motion; motion carried 3-0.

Senior Department Assistant / Assistant Comptroller: Ms. Todd provided a Hiring Freeze Waiver Justification, explaining that an employee is leaving the Comptroller’s office July 1<sup>st</sup> and they would like to hire a person to allow for a training period before the vacancy occurs.

Commissioner Sharkozy motioned to waive the hiring freeze and authorize the Comptroller’s office to fill the position of Senior Department Assistant/Assistant Comptroller; Commissioner McKay seconded the motion; motion carried 3-0.

### **COMMISSIONERS**

Electrical System Franchise Agreement: Government Relations Executive, Linda Bissett Esq., and Area Service Manager, Dick Campbell, with NV Energy were in attendance to finalize a long-term franchise agreement for provision of electrical services in northern Eureka County.

State law requires any public utility granted a franchise to pay 2% of net profits to the local School District. This 2% is not passed on to the consumer. Commissioner McKay asked if NV Energy continued to pay this after the 50-year franchise agreement expired last year.

Ms. Bissett replied that NV Energy continued to pay the fee, which was around \$40,000.00 for 2017. In July they will know the total amount for 2018.

State law allows local governments to charge a franchise fee of up to 5% on the utility's gross receipts in the service area. Since this cost is passed on to the consumer, Eureka County has opted not to charge this fee.

Commissioner Sharkozy motioned to approve a 20-year (with a five-year extension option) Electrical System Franchise Agreement with Sierra Pacific Power Company dba NV Energy for portions of Eureka County. Commissioner McKay seconded the motion. Motion carried 3-0.

County Comptroller: The Comptroller is transferring to another position effective July 1<sup>st</sup>. A Hiring Freeze Waiver Justification was prepared for this position. Chairman Goicoechea motioned to waive the hiring freeze and authorize the Board to fill the position of Comptroller with an effective date of July 1, 2019. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Baby Grand for Opera House: Michael Mears explained that the piano at the Opera House is in very poor condition. The piano is used for talent shows and other performances, and is particularly used by local piano students. There are currently 32 piano students under the tutelage of Carolyn Olsen, who has been teaching piano for over 30 years in Eureka. These students spend months practicing for recitals, only to play on an inferior instrument.

Ms. Olsen, who was in attendance, is friends with the owners of Steinway Piano Gallery in Reno, and the owners have offered to sell a six-year-old completely refurbished baby grand piano for \$7,500.00 (a new one would cost \$27,000.00). For another \$1,500.00 they will deliver it, set it up, and tune it. Ms. Olsen commented that if Eureka County didn't take advantage of this "awesome deal," she would buy the piano herself and donate it to the Opera House.

When Mr. Mears learned of this rare opportunity, he felt it would be a sound investment for the County since the piano will last for decades to come, will be enjoyed by many, and is a fitting addition to the historic Opera House.

Chairman Goicoechea motioned to approve \$9,000.00 for purchase and delivery of a Steinway baby grand piano for the Eureka Opera House, to be paid from the Eureka Activities Fund. Commissioner McKay seconded the motion; motion carried 3-0.

Request to Pave Collingwood Lane: At an earlier meeting the Board received a citizen petition, signed by 15 residents, requesting that Collingwood Lane be paved. Chairman Goicoechea worked with staff to prepare a response letter.

The letter explains that the tentative budget for the upcoming fiscal year includes funds for County-wide planning related to roads and streets. After planning is complete, maintenance and construction on approved projects will occur in subsequent fiscal years. The letter references the County's criteria for prioritizing road projects, which will be used to rank Collingwood Lane and any other proposed projects when new paving is considered.

Commissioner Sharkozy motioned to send the letter to the Collingwood Lane area residents in response to the request for paving; Commissioner McKay seconded the motion; motion carried 3-0.

Challenge to State Engineer Order No. 1302: Chairman Goicoechea acknowledged that this was the item that prompted public comment at the onset of the meeting. He stated that Eureka County stands on Nevada water law. Nevada water law provides 10 years for groundwater rights holders in a designated Critical Management Area to develop a Groundwater Management Plan, which must be supported by the majority of the water rights holders and approved by the State Engineer. The Chairman stated this is exactly what was done for Diamond Valley.

Eureka County did not sign the petition supporting the Groundwater Management Plan and the Chairman explained that the officials of Eureka County did not want to exert political influence,

whether real or perceived, that might affect the outcome of the GMP. The water users came up with a plan that they believe will work for them, and the Chairman felt they deserve a chance to make it work. He stated he would support Eureka County intervening against the legal challenges to State Engineer Order No. 1302.

Commissioner Sharkozy and Commissioner McKay agreed. Commissioner McKay commented on the time and effort put into developing the plan, which was done in a public forum open to all water rights holders.

Chairman Goicoechea motioned that Eureka County support the Groundwater Management Plan by intervening in litigation challenging Nevada State Engineer Order No. 1302; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Sagebrush Ecosystem Program: Chairman Goicoechea reported that the Sagebrush Ecosystem Council met on March 19<sup>th</sup> to hear comments and consider adopting the proposed regulations that would require compensatory mitigation when sage grouse habitat is disturbed on federal and State lands. Some progress was made on the proposed regulations, but due to some technical confusion with the phone, the SEC decided to schedule another hearing on the 29<sup>th</sup> of April to be sure everyone is heard.

Legislative Updates: Chairman Goicoechea and Assessor, Michael Mears, briefly talked about the current Legislative Session in Carson City. Water bills are of particular interest, and Mr. Mears is waiting for movement on SJR14, which deals with property tax caps and depreciation.

## **AMBULANCE & EMS**

Report on Activities: EMS Director, Kenny Sanders, reported that February was a very busy month with 24 ambulance runs County-wide. The new ambulance, approved in December, is scheduled to be delivered on March 21<sup>st</sup>.

Mr. Sanders and Shealene French, AEMT-1, taught a CPR and first-aid class for the Sheriff's Office earlier in the week and will teach one for Road Department and Public Works employees on March 21<sup>st</sup>. Mr. Sanders is working on a syllabus to submit for State approval to teach a local EMT class in an effort to recruit more volunteers. Training site credentials must be reestablished before a class can be taught.

## **IT / NETWORK**

Wireless Network Equipment: IT Manager, Misty Rowley, presented a quote from Gust Electric for installation of data cabling as part of the wireless network equipment installation at various County facilities.

Commissioner Sharkozy motioned to approve the time and materials proposal, not to exceed \$6,980.00, from Gust Electric Inc. for installation of data cabling and related work; Commissioner McKay seconded the motion; motion carried 3-0.

## **NEVADA OLD-TIME FIDDLERS CONTEST**

Contribution to Fiddlers Contest: Kim Russell asked for a donation of \$1,300.00 for the Nevada Old-Time Fiddlers Contest to be held in Eureka May 3<sup>rd</sup> & 4<sup>th</sup>. The Recreation Board contributed \$9,600.00 and Mt. Wheeler Power donated \$200.00 towards the event, but she has had no success obtaining donations from other sources. Ms. Russell explained the additional \$1,300.00 is needed because travel costs for the judges were underestimated.

Dale Bugenig, Consulting Hydrogeologist for the County, spoke up from the audience and offered to donate \$300.00 towards the event. Ms. Russell thanked Mr. Bugenig and Chairman Goicoechea stated he appreciated Mr. Bugenig's generosity.

Commissioner Sharkozy motioned to contribute the remaining \$1,000.00 towards the Nevada Old-Time Fiddlers Contest, to be paid from miscellaneous grants in the Commissioners'

budget, and authorized payment to be made to Eureka Restoration Enterprise. Commissioner McKay seconded the motion. Motion carried 3-0.

### **EUREKA TRAVEL TEAM**

Contribution to Junior High Teams: Juan Davila is working with Steve Zimmerman and Irma Davila to establish the Eureka Travel Team to provide experience and build skills for the Junior High boys and girls basketball teams. They estimate it will cost \$1,400.00 in travel costs for each team to participate in five tournaments, plus entry fees of around \$275.00 per tournament.

Mr. Davila asked for a donation of \$1,500.00. He stated donations were requested from the community and local businesses and \$500.00 was received from the Lions Club and \$100.00 from Urban Cowboy Bar & Grill.

Commissioner Sharkozy motioned to contribute \$1,500.00 to the Eureka Travel Team to be paid from miscellaneous grants in the Commissioners' budget; Commissioner McKay seconded the motion; motion carried 3-0.

### **RECESS**

The Board recessed to allow Chairman Goicoechea to get updates on the public health issues he was monitoring. Due to the urgency of one of the matters, the Chairman was excused. Vice Chairman Sharkozy presided over the remainder of the meeting.

### **PUBLIC WORKS**

Public Works Update: Public Works Director, Ron Damele, reported on Public Works projects and activities.

Utilities & Facilities: All utilities are in good working order. As reported at the last meeting, the Opera House elevator has been repaired. The State inspection is scheduled for March 26<sup>th</sup> and the elevator will be placed back into service once that is complete. The original elevator repair quote was \$140,000.00, but a credit of \$18,500.00 will be issued for some work that wasn't needed.

Olcese Waste Services: Olcese Waste Services toured the County on March 11<sup>th</sup> and is formulating some questions for Public Works. Public Works is using the database of water customers to provide the company with a list of potential customers.

Television Meeting: On March 8<sup>th</sup> Mr. Damele attended the Humboldt County Television District meeting in Winnemucca where the members discussed moving signals off of mountaintop translators and converting to fiber. Other Television Districts that will be affected were represented at the meeting, including Eureka County. Once this conversion to fiber is complete, Eureka County will be able to receive channel signals directly from Reno instead of Winnemucca.

Environmental Protection Agency: The EPA will be in Eureka the first week in May (instead of late August as originally planned) to fence the County-owned slag pile on the southern end of town and the privately-owned slag pile on the northern end of town. There is also one large property that will be remediated. The EPA expects to be here anywhere from six to 14 weeks. This final phase will conclude the EPA's presence in Eureka related to lead and arsenic cleanup.

Wildland Fire Protection Program: The contract with Nevada Division of Forestry for the Wildland Fire Protection Program will be presented for Board approval at the next meeting. Mr. Damele stated the annual cost is being reduced from \$150,000.00 to \$81,000.00. This is in part due to a new formula and in part because Eureka County hasn't had any significant wildland fires in recent years. For comparison, Mr. Damele noted that NDF is considering a \$1.1 million annual contract with Elko County, double the amount paid previously.

McEwen Mining MOU: A Memorandum of Understanding has been signed by McEwen Mining and Eureka County. Under the MOU, Eureka County will utilize contractors to maintain the 3 Bars Road and Roberts Creek Road and McEwen Mining will reimburse the County for the cost.

Mr. Damele noted that Public Works continues to advertise for the Equipment Operator funded under the road maintenance MOU with Barrick Cortez.

## **TREASURER**

Treasurer's Report: The Treasurer's Report for February was submitted by Treasurer, Beverly Conley, and showed an ending General Fund balance of \$28,104,300.06.

## **CLERK RECORDER**

Judicial Systems Contract: As part of the conversion from the AS-400 system, a contract for a jury management software program was presented for approval by Clerk Recorder, Lisa Hoehne. She explained that this program is used by four other counties in Nevada, so has been proven in the State's judicial system. The cost for the first year is \$28,906.00, which includes the software, installation, training, and initial year of technical support (pro-rated for the nine remaining months). Annual technical support the second year will be \$3,607.80, with a 5% increase each subsequent year. If approved, installation and training can be done the following week.

Commissioner McKay motioned to approve the contract with Judicial Systems Inc. for jury management software and support, for an initial not to exceed amount of \$30,000.00; Commissioner Sharkozy seconded the motion; motion carried 2-0.

## **SHERIFF**

Upcoming Jail Audit: Sheriff Jesse Watts informed the Board that an audit of the Detention Facility will be conducted on April 30<sup>th</sup> & May 1<sup>st</sup> by Legal & Liability Risk Management Institute, a POOL/PACT partner. Sheriff Watts stated that he and his staff are already taking proactive steps to fix or improve known deficiencies.

As an example, inmates were getting three pre-packaged microwave meals a day supplemented with salads and fruit to meet the mandatory caloric intake of 2,500. This was costing over \$10.00 a day per inmate, versus the national average of \$1.49. Sheriff Watts contacted other Sheriffs in the State and found most have available resources that Eureka doesn't have. He decided to take an innovative approach and now meals consist of cold or hot cereal in the morning, cold sandwiches and soup for lunch, and lunch meals from the Senior Center are provided as a hot meal for dinner. The cost went down significantly and meal quality has improved. As an added bonus, this boosts the meal count at the Senior Center, which will increase the amounts awarded for nutrition grants.

Office of Traffic Safety Grant: The State is offering a grant through the Office of Traffic Safety to equip four counties, not already using electronic citations, with Brazos E-Ticket software and hardware. Initial purchase price of \$32,685.00 will be reimbursed, and the only cost to the County is a 25% in-kind match. The match can be met with wireless equipment already purchased and staff time, including the IT Manager's time to install the equipment. The Sheriff explained the benefits of electronic tickets, which include shorter traffic stops, fewer mistakes, automatic upload of data, etc.

Commissioner McKay motioned to approve the grant application to the Office of Traffic Safety for Brazos E-Ticket software and hardware, in the amount of \$32,685.00 with a 25% in-kind match, and authorized initial purchase with funds from the Sheriff's budget, which will later be reimbursed by the grant. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

Update on Staffing Levels and Hiring Process: Sheriff Watts stated there are currently eight vacancies and background investigations are being done on seven applicants. Those recommended for hire will have a physical exam, be drug tested, and undergo a psychological evaluation. The Sheriff expects the start date for successful candidates to be around mid-April.

Hiring Freeze Waiver – Deputy: A patrol Deputy resigned to take a position with the Washoe County Sheriff’s Office, and the Sheriff submitted a Hiring Freeze Waiver Justification to seek permission to fill the vacancy.

Commissioner McKay motioned to waive the hiring freeze and authorize the Sheriff to fill the vacant position of Deputy I, II, or III; Commissioner Sharkozy seconded the motion; motion carried 2-0.

## **FAIR BOARD**

Resignation: Commissioner McKay motioned to accept the resignation of Anne Kniefel from the Fair Board; Commissioner Sharkozy seconded the motion; motion carried 2-0.

Appointment: Commissioner McKay motioned to appoint Sierra Knudsen to the Fair Board for the remainder of a four-year term through December 31, 2021; Commissioner Sharkozy seconded the motion; motion carried 2-0.

## **EUREKA COUNTY HIGH SCHOOL**

Annual Scholarship Drive: Eureka County High School Guidance Counselor, Winnona Eversgerd, sent a letter requesting a donation for the annual scholarship drive and thanking the County for past contributions. Monies donated by the County go into the general scholarship fund and a committee of educators selects the recipients.

Commissioner McKay motioned to contribute \$2,000.00 to Eureka County High School for the annual scholarship drive for the Class of 2019; Commissioner Sharkozy seconded the motion; motion carried 2-0.

## **CRESCENT VALLEY TOWN ADVISORY BOARD**

Art Show Costs: The Crescent Valley Town Advisory Board requested up to \$250.00 for copy and postage fees to advertise the Crescent Valley Art Show scheduled for May 10<sup>th</sup>. Crescent Valley resident, Emily Whittlesey, is hosting the event and the Commissioners have waived the facility fee for Ms. Whittlesey to utilize the Crescent Valley Community Center.

Commissioner McKay motioned to authorize copy and postage costs, not to exceed \$250.00, to do a mass mailing in Crescent Valley and Beowawe to advertise the upcoming Art Show, to be paid from the North End Activities Fund. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities. He attended the Natural Resources Advisory Commission meeting on March 13<sup>th</sup> and NRAC made several recommendations concerning the Natural Resources agenda items.

Diamond Valley Adjudication: The State Engineer hearings on the Diamond Valley Adjudication took place throughout the month of February. Mr. Tibbitts and Consulting Hydrogeologist, Dale Bugenig, spent a lot of time in Carson City assisting the County’s water attorney during the process. Time didn’t allow for all testimony related to the BLM’s claims to Public Water Reserves, so the State Engineer ordered a continuance to March 28<sup>th</sup> & 29<sup>th</sup>.

Washington, DC: Mr. Tibbitts was in Washington, DC, the first week of March and attended the National Association of Counties meeting. He was part of a select group that met with the Deputy Solicitor at the Department of the Interior to discuss the Greater Sage-Grouse planning process. He attended a worthwhile meeting with the Department of the Navy at the Pentagon concerning the Fallon Range Training Complex Modernization EIS.

Sage Grouse: The BLM issued the Nevada and Northeastern California Greater Sage-Grouse Record of Decision (ROD) and Approved Resource Management Plan Amendment on March 15<sup>th</sup>. This is one of six RODs issued for western states that are home to the bird. Not



everything that the County requested or commented on was changed, but the amendment includes some positive changes, adds flexibility to the original 2015 plan, and aligns more closely with the State Plan.

Mt. Hope Supplemental Draft EIS: Mr. Tibbitts informed the Board that the BLM's Draft Supplemental Environmental Impact Statement for the Mt. Hope Project has been released for public comment with a deadline of April 22<sup>nd</sup>.

Upcoming Workshop: The Eureka Conservation District and Cooperative Extension are co-hosting an irrigation workshop on April 4<sup>th</sup> at the Opera House with a focus on soil health and the effects on water retention.

Legislative Issues: Mr. Tibbitts forwarded the Board an updated spreadsheet with natural resources legislation that he is tracking, along with the County's position on each bill. He explained that each position is based on County policies, but asked that the Commissioners let him know if they have comments or concerns. Many of the positions will become testimony before the Legislature by County staff, officials, or Steve Walker, contracted lobbyist.

BLM Oil & Gas: Mr. Tibbitts prepared letters to the Battle Mountain District BLM and the Elko District BLM concerning the June 2019 Competitive Oil & Gas Lease Sale Environmental Assessments. The letter references the County's comments on previous lease sale EAs, noting the BLM's lack of response and seeming disregard of the comments.

The letters note that with the push for US energy dominance, the current administration is pushing local BLM offices to hold quarterly lease sales; but this doesn't remove the mandates of BLM to properly coordinate with the County. The Battle Mountain District, possibly in partnership with the Elko District, is moving forward to complete a programmatic EA that can be utilized for all future lease sales. The letters point out that this would be a perfect opportunity for the BLM and Eureka County to work closely together to ensure that input is incorporated.

Commissioner McKay motioned to approve letters to the Battle Mountain District and Elko District BLM offices concerning upcoming Competitive Oil & Gas Lease Sale EAs and authorized the Chairman to sign the letters outside of the meeting. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

BLM Grazing Actions: The County received a letter from the Elko District BLM regarding grazing closures in areas burned by the numerous fires in 2018. After a fire occurs, the BLM does Emergency Stabilization & Rehabilitation as part of a process intended to recover the burned areas. After treatment, such as reseeding, the BLM typically closes the area to livestock grazing for a couple of years or until rehabilitation objectives are met.

Mr. Tibbitts prepared a response letter outlining the County's concerns and asking for principled coordination with the County. The letter points out that proposed treatments are bound to fail because the fires happened months ago and the delay in reseeding has allowed cheatgrass to germinate and grow. It asks that grazing be allowed in order to remove these fuel loads and open up areas so seeding is successful. Unrealistic objectives often extend the time that areas are closed to grazing, and the letter asks that reasonable obtainable objectives be established based on current rangeland science.

Commissioner McKay motioned to send a letter to the Elko District BLM in response to grazing closures due to wildfire and related decisions and proposals affecting Eureka County, and authorized the Chairman to sign the letter outside of the meeting. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

## **CORRESPONDENCE**

Correspondence was received from: Russell Conley; Eureka Travel Team; District Attorney, Ted Beutel (2); Natural Resources, Jake Tibbitts; Natural Resources Advisory Commission; Eureka County Television Dist.; Eureka County Fair Board; Eureka County High School; Crescent Valley Town Advisory Board; Tri-County Meeting; Nevada Assoc. of Counties (2); Nevada League of Cities;

Nevada State Controller; Robert E. Eglet, Esq.; Nevada Dept. of Transportation; USDA Rural Development (Nevada office); City of Reno; Nevada Dept. of Business & Industry; US Dept. of the Interior-BLM; US Nuclear Waste Technical Review Board; and National Assoc. of Counties.

Commissioner Updates: At the invitation of Donna Bath, Northeastern Nevada Regional Development Authority, Commissioner McKay attended a housing meeting in Ely on March 8<sup>th</sup>. Housing developers from Elko were there and White Pine County is considering offering unimproved tax delinquent lots to developers as an enticement to bring more housing to the area.

Commissioner McKay also met with Mark Bassett, Director of the Nevada Northern Railway Museum, who invited him to represent Eureka County. Mr. Bassett would like to get the train running again from White Pine County to Salt Lake City and has some interested investors. After visiting with area producers, Commissioner McKay found the preferred route is Carlin Rail because of the four mountain passes between Eureka and Ely. The one interested party was Prophecy Development (Gibellini Project). The mine will use acid in their leaching process and prefers not to have it shipped through Eureka.

**PUBLIC COMMENT**

Vice Chairman Sharkozy called for public comments; there were none.

**ADJOURNMENT**

Commissioner McKay motioned to adjourn the meeting; Commissioner Sharkozy seconded the motion; the meeting was adjourned at 11:24 a.m.

*Approved by vote of the Board this 5<sup>th</sup> day of April, 2019.*

/s/ J.J. Goicoechea, DVM

J.J. Goicoechea, Chairman

*I, Jackie Berg, Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the March 20, 2019, meeting of the Board of Eureka County Commissioners.*

/s/ Jackie Berg

Jackie Berg, Commissioner Clerk

*I, Lisa Hoehne, Clerk Recorder of Eureka County, acknowledge and accept the attached minutes as approved by the Board of Eureka County Commissioners and attested to by the Commissioner Clerk.*

/s/ Lisa Hoehne

Lisa Hoehne, Clerk Recorder